

RONALD L. RICHMAN (SBN 139189) SUSAN J. OLSON (SBN 15246) BULLIVANT HOUSER BAILEY PC 601 CALIFORNIA STREET, SUITE 1800 SAN FRANCISCO, CALIFORNIA 94108 Telephone: (415) 352-2700 Facsimile: (415) 352-2701 <b>Attorney(s) for: PLAINTIFFS</b> Reference: 3011367		
<b>UNITED STATES DISTRICT COURT          NORTHERN DISTRICT OF CALIFORNIA</b>		
BOARD OF TRUSTEES OF THE LABORERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA, et al.  <div style="text-align: right;"><b>Plaintiff (s)</b></div>	<b>CASE NUMBER: CV 08 0355 BZ</b>	
<div style="text-align: center;">v.</div> KURT ALBIN ERNST, individually and doing business as ERNST MECHANICAL COMPANY, a California Company  <div style="text-align: right;"><b>Defendant (s)</b></div>	<div style="text-align: center;"> <b>PROOF OF SERVICE          SUMMONS AND COMPLAINT</b>          (Use separate proof of service for each person/party served)       </div>	

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (*specify documents*):
  - a. ☒ summons ☒ complaint ☐ alias summons ☐ first amended complaint  
       in a civil case ☐ second amended complaint ☐ third amended complaint
  - ☒ other (*specify*): CIVIL COVER SHEET; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; STANDING ORDERS; STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF CALIFORNIA CONTENTS OF JOINT CASE MANAGEMENT STATEMENT; IN ADDITION TO THE LOCAL RULES, THE FOLLOWING GUIDELINES HAVE BEEN PROVIDED TO ENSURE THAT THE FILING PROCESS IS ACCOMPLISHED WITH EASE AND ACCURACY; NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL; (BLANK) CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE; (BLANK) DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE; ECF REGISTRATION INFORMATION HANDOUT
2. Person served:
  - a. ☒ Defendant (*name*): KURT ALBIN ERNST
  - b. ☐ Other (*specify name and title or relationship to the party/business named*):
  - c. ☒ Address Where papers were served: 4605 OAK HILL ROAD, OAKLAND, CA 94605
3. **Manner of service** in compliance with (*the appropriate box must be checked*):
  - a. ☒ Federal Rules of Civil Procedure
  - b. ☐ California Code of Civil Procedure
4. **I served** the person named in item 2:
  - a. ☒ **By Personal service.** By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least (12) years of age.
    1. ☒ **Papers were served on** (*date*): **FEBRUARY 8, 2008** at (*time*): **9:25AM**
  - b. ☐ **By Substituted service.** By leaving copies:
    1. ☐ (**home**) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
    2. ☐ (**business**) or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers.

3. ☐ Papers were served on (date): \_\_\_\_\_ at (time): \_\_\_\_\_

4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in item 2(b) at the place where the copies were left in Item 2(c).

5. ☐ papers were mailed on (date): \_\_\_\_\_

6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.

c. ☐ Mail and acknowledgment of service. By mailing (by first-class mail or airmail, postage pre-paid) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid to the sender. (Attach completed Waiver of Service of Summons and Complaint).

d. ☐ Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P.4(h)) (C.C.P. 416.10) By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment of by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, a mailing, by first-class mail, postage prepaid, a copy to the defendant.

e. ☐ Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only) By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (by first-class mail, postage prepaid) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of state requires a court order. (Attach a copy of the order to this proof of service).

f. ☐ Service on a foreign corporation. In any manner prescribed for individuals by FRCP 4(f).

g. ☐ Certified or registered mail service. By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or other evidence of actual receipt by the person served).

h. ☐ Other (specify code section and type of service):

5. Service upon the United States, and Its Agencies, Corporations or Officers.

a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served:

Title of person served:

Date and time of service: (date): \_\_\_\_\_ at (time): \_\_\_\_\_

b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (Attached signed return receipt or other evidence of actual receipt by the person served).

c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (Attach signed return receipt or other evidence of actual receipt by the person served).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (name, address and telephone number):

CARLOS CASTRO/#417/SAN FRANCISCO  
NATIONWIDE LEGAL, INC.  
1255 POST STREET, SUITE #500  
SAN FRANCISCO, CA 94109  
(415) 351-0400

a. Fee for service: \$

b. ☐ Not a Registered California Process Server

c. ☐ Exempt from registration under B&P 2235(b)

d. ☒ Registered California Process Server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: FEBRUARY 8, 2008

  
(Signature)

# United States District Court

NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE LABORERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA; BOARD OF TRUSTEES OF THE LABORERS VACATION-HOLIDAY TRUST FUND FOR NORTHERN CALIFORNIA; BOARD OF TRUSTEES OF THE LABORERS PENSION TRUST FUND FOR NORTHERN CALIFORNIA and BOARD OF TRUSTEES OF THE LABORERS TRAINING AND RETRAINING TRUST FUND FOR NORTHERN CALIFORNIA

## SUMMONS IN A CIVIL CASE

**BZ**

CASE NUMBER:

**CV 08**

**0355**

V.

KURT ALBIN ERNST individually and doing business as  
ERNST MECHANICAL COMPANY, a California Company

TO: (Name and address of defendant)

Kurt Albin Ernst  
4605 Oak Hill Rd.  
Oakland, CA 94605

Ernst Mechanical Company  
4605 Oak Hill Rd.  
Oakland, CA 94605

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Ronald L. Richman  
Susan J. Olson  
Bullivant Houser Bailey PC  
601 California Street, Suite 1800  
San Francisco, CA 94108

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK



(BY) DEPUTY CLERK

DATE

**JAN 18 2008**

**JAN 18 2008**

**ANNA SPRINKLES**

**RETURN OF SERVICE**

DATE

Service of the Summons and Complaint was made by me <sup>1</sup>

Name of SERVER

TITLE

*Check one box below to indicate appropriate method of service*

- ☐ Served Personally upon the Defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☐ Other (specify):

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
		\$0.00

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Server

\_\_\_\_\_  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure